FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

LETTERS PATENT APPEAL NO. 95 OF 1999.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Ms. N.D. Buch for the appellants.

Mr. K.S.Bapat for respondent Nos. 1 & 2.

Respondents Nos. 3 & 5 are already deleted.

Mr. Vineet B. Naik i/b Doijode, Phatarpekar and Assoiates for respondent No.6.

Respondent Nos. 7 & 8 are served.
Respondent No.4 is a formal party.

CORAM: S.B. MHASE AND
R.S.MOHITE,JJ.
DATED: 14-10-2004.

P.C.:

. Heard Ms.Buch for the appellant, Mr. K.S. Bapat for respondent Nos.1 & 2, and Mr.Vineet B. Naik for respondent No.6.

2. The writ petition filed by the present appellants bearing Writ Petition No. 2988 of 1998 is admitted and pending before the learned Single Judge. In the said proceeding, the present appellants-petitioners have moved an application for adding respondent No.6 as a

party-respondent, since Undertaking has been transferred to respondent No.6. The said application was rejected and,therefore, this Letters Patent Appeal has been filed by the present appellants.

3. After hearing the parties, when it was realised by respondent No.1 that as per the Transfer Agreement or Deed of Conveyance dated 27th October 1998, the respondent No.1 have accepted the liability to compensate respondent No.6 in case they are required to pay any amount on behalf of respondent No.1 and, therefore, in order to absolve from the said liability and to avoid involvement of respondent No.6 in the pending litigation, the respondent No.1 have filed undertaking of Shri Dileep Narayan Deshpande, who is duly authorised by the Company by passing appropriate resolution dated 26.1.2004, in the nature of an affidavit, which contains several undertakings given on behalf of respondent No.1. The said undertaking is marked 'X' for identification and taken on record being undertaking given on behalf of respondent No.1.

4. Ms. Buch, after having gone through the text of the undertaking and after taking instructions from the appellant found that the purpose of adding proposed respondent No.6 is secured by this undertaking and, therefore, on instructions from the appellant, states that leave to withdraw the present Letters Patent Appeal may be granted. Accordingly, leave to withdraw this appeal is granted. Appeal is dismissed as withdrawn.

5. Authenticated copy/ Certified copy expedited.

(R.S. MOHITE,J) (S.B. MHASE,J.)